



MARYLAND DEPARTMENT OF JUVENILE SERVICES

SECRETARY'S DIRECTIVE

OPI: Office of the Secretary
NUMBER: MGMT-2-03
EFFECTIVE DATE: December 17, 2003
SUBJECT: Governor's Executive Order on Public Corruption and Misconduct
APPLICABLE TO: All DJS Employees

(Page 1 of 3)

1. **PURPOSE AND SCOPE.** The Secretary of the Department of Juvenile Services (DJS) establishes this Policy Directive to implement the Governor's Executive Order to identify, investigate and eliminate instances of public corruption and unethical conduct by Maryland State employees or contractors.
2. **POLICY.** It is Departmental policy that each employee promptly reports to the Secretary any arrest, any criminal charges pending against the employee, and each legal proceeding to which the employee is a party or otherwise involved on or after April 28, 2003. In addition, DJS encourages each employee to report to their immediate superior any personally observed incident of criminal or unethical conduct on the part of state employees or persons doing business with the State, and each supervisor reports to the Secretary all incidents of sufficient severity and suspiciousness deemed to warrant attention by the Secretary.
3. **PROGRAM OBJECTIVES.** The expected results of this policy are that DJS:
 - a. Implements fully, fairly and efficiently Executive Order 01.01.2003.13 in a manner consistent with the intent of the Governor;
 - b. Mandates self-reporting by employees of matters which may impact the perception of suitability and fitness of employees for the performance of their job responsibilities;
 - c. Encourages employees to identify and disclose instances of public corruption or misconduct;
 - d. Establishes a clearly understood chain of reporting responsibility pertaining to matters affecting the public perception of corruption or misconduct;
 - e. Assists in the identification and investigation of those instances of actual misconduct warranting disciplinary or other action;
 - f. Supports the efforts of the Chief Counsel to the Governor and the Office of the Attorney General in detecting and eliminating instances of actual corruption or misconduct; and
 - g. Contributes to the restoration and improvement in public perception of fairness and integrity and public confidence in the operation of state government.
4. **AUTHORITY.**

Governor's Executive Order No. 01.01.2003.13 issued April 28, 2003.

5. DEFINITIONS.

- a. *Arrest* means any apprehension or formal charge for an alleged violation of criminal law, whether in or out of state. "Arrest" does not include the issuance or receipt of alleged traffic violations or alleged civil infractions.
- b. *Employee* means any individual who is employed by DJS on a permanent, temporary, classified, unclassified, temporary pending, temporary extra, emergency, or contractual basis or otherwise receiving compensation for services performed by DJS, other than a juvenile.
- c. *Legal proceeding* means any civil or criminal case in any federal or state court "Legal proceeding" does include civil protective order and other family law proceedings but does not include traffic proceedings, workers' compensation claims or other cases of a non-judicial, quasi-judicial or administrative nature. "Legal proceeding" does not include proceedings which were or are not pending on or after April 28, 2003. "Legal proceeding" for purposes of this reporting requirement also does not include any legal proceeding of which DJS is already aware because the employee is named a party as a representative or employee of DJS or a respondent to allegations made by DJS.

6. ACTION REQUIRED.

- a. **Employee Responsibilities.** Each DJS employee shall:
 - (1) Promptly report directly to the Secretary any arrest of the employee occurring on or after April 28, 2003 and any criminal charge pending on or after April 28, 2003, and subsequently report to the Secretary the disposition of any arrest or charge promptly following the termination of criminal proceedings against each employee;
 - (2) Promptly report directly to the Secretary the nature of and the employee's relationship to each legal proceeding in which the employee is a party;
 - (3) Comply fully with all other extant policy directives on reporting requirements, including the duty promptly to report to the Secretary any investigation or adjudication by any Department of Social Services for alleged child abuse or neglect; and
 - (4) Cooperate fully with supervisory personnel and law enforcement agencies in the identification and prosecution of persons committing criminal acts in their course of their employment or contract with the State.
- b. **Permissive Action of all Employees.**

Each DJS employee is allowed and encouraged to report to their immediate superior any conduct which appears to that employee to constitute an incident of public corruption.

c. Supervisory Responsibilities. Supervisory personnel shall:

- (1) Promptly upon notification by a DJS employee of an allegation of a personally observed incident of public corruption or misconduct on the part of a fellow employee or person doing business with the State, initiate and complete an investigation into such allegations and thereafter take whatever action may be warranted; and
- (2) Promptly report to the Secretary all instances of perceived misconduct or public corruption sufficient to warrant the Secretary's attention.

7. EFFECTIVE DATE.

This directive is effective 12/17/03 on and shall remain in effect until rescinded by the Secretary or superceded by law or regulation.

8. DIRECTIVES/POLICIES AFFECTED.

- a. Directives/Policies Rescinded – (None)
- b. Directives/Policies Referenced – **DJJ Standards of Conduct & Disciplinary Process**
MGMT-2-01 (Incident Reporting Policy)
MGMT-1-01 (Reporting and Investigating Child Abuse and Neglect)

9. FAILURE TO COMPLY.

Failure to obey a Secretary's Directive and/or policy issued with this document shall be grounds for disciplinary action.

Approved: "/s/ signature on original copy"

Kenneth C. Montague, Jr.
Secretary

Appendix - 1

1 Executive Order No. 01.01.2003.13

EXECUTIVE ORDER

01.01.2003.13

Public Corruption and Misconduct

WHEREAS, Honest and honorable conduct in the performance of State business, free of the existence or perception of any corruption or other misconduct, is the primary goal of this Administration;

WHEREAS, Instances of prior questionable conduct, identified during transition, and thereafter, have arisen and continue to appear to arise, even to the present time;

WHEREAS, While the vast majority of Maryland State employees and contractors are entirely honest, upright and forthright in the conduct of State business, all departments and agencies must be vigilant to detect and deter any criminal or unethical conduct; and

WHEREAS, A clear and responsible path for investigation of possible criminal or unethical conduct must be established.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. All departments and agencies of this State shall promptly inform Chief Counsel to the Governor and the Assistant Attorney General of the Department or Agency, or, if none, the Deputy Attorney General in charge of the Criminal Investigations Division of the Office of the Attorney General, of any instance of possible criminal or unethical conduct by any employee or contractor of this State. Agencies with special internal investigative units shall proceed with their internal investigations and report as required herein at the close of the particular investigation.

B. Chief Counsel to the Governor and the Deputy Attorney General in charge of the Attorney General's Criminal Investigations Division shall promptly confer and jointly determine whether the matter should be referred for criminal investigation and prosecution, and, if so, to which law enforcement agency: the State's Attorney of the particular subdivision, the State Prosecutor, the Criminal Investigations Division, or the United States Attorney.

C. If Chief Counsel to the Governor and the Deputy Attorney General in charge of the Attorney General's Criminal Investigations Division determine that a referral to a designated law enforcement agency is appropriate, they shall promptly undertake such action and then monitor the course of the matter on a periodic basis.

D. All departments and agencies shall require each employee to report to the Secretary or Director of such department or agency as to any arrest of such employee, as to each legal proceeding in which such employee is involved as a party, and as to such other legal process in which such employee is involved as the Secretary or Director of the particular department or agency shall designate.

E. Chief Counsel to the Governor shall report periodically to the Governor on the subject matter of this Executive Order.

F. This Executive Order succeeds and supplants prior policies on the subject matter of this Executive Order.

GIVEN Under My hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 28th Day of April, 2003



Robert L. Ehrlich, Jr.
Robert L. Ehrlich, Jr.
Governor

Attest:

R. Karl Aumann
R. Karl Aumann
Secretary of State



**MARYLAND DEPARTMENT OF JUVENILE SERVICES
EMPLOYEE STATEMENT OF RECEIPT
(SECRETARY'S DIRECTIVE)**

OPI: Office of the Secretary
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EFFECTIVE DATE: December 17, 2003
SUBJECT: Governor's Executive Order on Public Corruption and Misconduct

I have received one (1) copy (electronic or paper) of the Secretary's Directive as titled above.

SIGNATURE

PRINTED NAME

DATE

***(THE ORIGINAL COPY MUST BE RETURNED TO YOUR IMMEDIATE SUPERVISOR FOR FILING
WITH PERSONNEL, AS APPROPRIATE.)***